

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:18CR398-1
	:	
TEVIN ZAKAR CRITE	:	

FACTUAL BASIS FOR A GUILTY PLEA

NOW COMES the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and states that the factual basis for a guilty plea is as follows:

May 3, 2018 Incident

On May 3, 2018, Officers Jordan and Morrison with the Greensboro Police Department (GPD) were downtown and noticed a disturbance between persons in two separate automobiles—a white car and a dark gray car. One of the three occupants of the white car threw the top section of an ashtray container at the dark gray car. As GPD officers began to approach, both cars left the area.

As the GPD officers traveled north on N. Elm Street, they noticed the same dark gray car from the recent disturbance, and they began following it. The car turned on E. Washington Street, then into S. Davie Street, then onto W. Friendly Avenue, and back on S. Elm Street. The dark gray car repeated

this same loop two more times. On the third loop, the dark gray vehicle ran a red light at E. Washington Street and S. Davie Street and then sped north on S. Davie Street. While initiating the stop of the dark gray car, officers ran the registration and learned the car was registered to the defendant, Tevin Zakar Crite (Crite).

Officer Morrison approached the driver side and asked the driver, later identified as Crite, why he was circling the downtown area. Crite responded that he was attempting to pick someone up but did not because the officers were behind him. While speaking to Crite, Officer Jordan noticed a slight odor of marihuana coming from the car as well as an open bottle of Patron Tequila in the front passenger floorboard. Officer Morrison then asked Crite to step out of the car. As Officer Morrison was starting to open the driver's side door where Crite was seated behind the wheel, Crite tried to lock the doors. Officer Morrison was able to open the door before Crite could lock it and saw a black handgun in the driver side door pocket.

Officer Jordan retrieved the gun—a Beretta 9mm pistol—and when he cleared the weapon, a five round magazine was ejected. When Officer Jordan cleared the barrel, he located a spent shell casing that was not ejected from a previous discharge. Crite was then placed in handcuffs and searched, but officers found no other contraband or weapons on him. A search of the vehicle

recovered a burnt marihuana cigarette located in the front passenger door handle, a clear plastic bag of marihuana in the center console, and the open bottle of Patron on the front passenger floorboard. The marihuana weighed approximately 4.5 grams.

Crite was arrested and transported to the Guilford County Jail. Upon arrival at the jail, Crite asked, "So if I say this gun is my sister's, can I beat the charge?" No response was given to Crite's question and Crite was taken before the magistrate. After seeing the magistrate, Crite stated, "I shouldn't have been driving around with that gun in the car." When he was transferred to the Guilford County Jail's custody, Crite stated, "I've beat one gun charge, but I can't beat this one because it was in my possession."

At the time of the conduct, Crite was a convicted felon. He was convicted of Assault with a Deadly Weapon Inflicting Serious Injury on July 1, 2013 in Guilford County Superior Court.

On August 15 and 16 of 2018, the Beretta pistol, model BU9 NANO, 9mm caliber, serial number NU023599, was examined by Special Agent Paul Johnson. He determined that the Beretta pistol was manufactured in Maryland. The firearm was still functional and in working order.

July 27, 2018 Incident

In the late hours of July 27, 2018, GPD Officers Morrison and Jordan

were on bike patrol in the area of N. Greene Street and Sternberger Place in downtown Greensboro when Officer Jordan saw Crite standing by a gray Toyota Camry that officers knew was registered to him. Officer Jordan recognized Crite from his previous encounter with him during the May 3, 2018 traffic stop described above. Crite soon walked away from the car with four unknown subjects on the sidewalk of N. Greene Street.

After Crite left the area, Officer Morrison walked to the gray car and peered inside it. Using his flashlight, Officer Morrison was able to see the upper receiver of a small silver handgun protruding from the rear passenger side door compartment. Upon seeing the gun, Officer Morrison informed Officer Jordan, and they called for an officer with a patrol car. Officer McQueen responded, and all three changed positions to watch the car out of view.

At approximately 1:40 a.m., Officer Jordan announced that he had seen Crite get into the car alone and reach into the passenger area. Officer McQueen and Morrison then approached the car and made contact with Crite with verbal commands to show his hands. Officer Morrison observed two cell phones in Crite's lap and one in his hand. Officers then moved Crite out of the car and, as they did, Officer Morrison noted an odor of marihuana coming from the car. After placing Crite in handcuffs Crite stated, "You should have waited till I pulled off...y'all would have got me with drinking."

Crite was searched; no contraband was located on his person. A search of his car uncovered a clear vacuum seal bag containing approximately 19 grams of marihuana in the center console along with a bundle of cash held together by a small rubber band. The silver firearm that was previously observed in the rear passenger door—a Bryco Arms Bryco 38 .380 caliber handgun with serial number 1253207—was recovered by Officer McQueen under a tray located in front of the center console compartment . Officer McQueen also located a second handgun, a Sig Sauer P 320, 9mm handgun with a serial number of 58C105103. The cash recovered from the car totaled \$7,859. The weapons were cleared and secured. There were five live rounds in the silver Bryco handgun.

On August 15 and 16, 2018, ATF Special Agent Paul Johnson examined the guns. He determined that the Bryco .380 caliber was manufactured in California. The firearm was still functional and in working order. The Sig Sauer P 320 9mm handgun was manufactured in New Hampshire and was functional and in working order

This the 7th day of December, 2018.

Respectfully submitted,

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I hereby certify that on December 7, 2018, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record: Jason Keith.

Respectfully submitted,

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